

MEETING #5 - January 26

At a regular meeting (#2) of the Madison County Board of Supervisors on January 26, 2021 at 6:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT R. Clay Jackson, Chair
 Charlotte Hoffman, Vice-Chair
 Kevin McGhee, Member
 Amber Foster, Member
 Carty Yowell, Member
 Jack Hobbs, County Administrator
 Sean Gregg, County Attorney
 Jacqueline Frye, Deputy Clerk

Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that a quorum was present

Chairman Jackson called for additions, and/or adoption of today's Agenda.

Supervisor Yowell moved to adopt the Agenda as presented, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Yowell.*

Public Comment

Chairman Jackson opened the floor for public comment.

- Brenda Clements (Madison Free Clinic): Was present to verbalize a safety issue with vehicles parking in front of Bulletproof that hinder staff and citizens from exiting the blind alley safely; concerns were discussed with the Town and VDOT, which resulted in VDOT erecting "no parking" signs without any success; the Sheriff's Department has advised that enforcement can only be initiated if the County adopts an ordinance to enforce parking issues; noted that patrons and the business owner continue to park along Main Street despite the fact that alternate parking is within close proximity.

Sean Gregg, County Attorney, was present and advised that there is a challenge as to whether enforcement of a parking issue will be cost worthy; also suggested that the blind alley be publicized; feels the issue is one for the Town and not the County, and that a County ordinance may not be very effective; noted that if a law is passed, the County must be able to fully enforce it.

- *Supervisor Foster: Questioned if the Town has been made aware of the concern;*

To which Ms. Clements noted that the issue has been raised with Willie Lamar, Town Mayor, who suggested the County be made aware.

- *Supervisor Hoffman: Questioned if the Town can initiate an ordinance.*
- *Supervisor Yowell: Noted that concerns were raised at a prior Town Council meeting; feels that the businessowner (Bulletproof) is ignoring the issue.*

- Chuck Jackson: Was present and concurred with issues discussed pertaining to the difficulty exiting the blind alley beside Bulletproof; also noted that there is also a safety issue with folks exiting Washington Circle onto Main Street.
- *Chairman Jackson: Noted that signage is already in place; feels the issue of concern should be addressed by the Town and confirmed with the Sheriff and not the County; feels that adopted a County ordinance doesn't seem to be appropriate; encouraged Ms. Clements to raise the issue at the upcoming Town Council meeting next Thursday at 7:00 p.m.*
- Kristen Farry (online platform): Questioned if there was an ordinance in place to allow the Sheriff to enforce the state law that makes bank robbery a crime.

Special Appearances

1. Presentation: COVID-19 in Madison County (Diane Crawford): The County Administrator introduced Diane Crawford, Intern, and a Master of Public Health Student at Andrews University; she has been with the County since August 2020 working on COVID-19 related items, creating a video to meet training requirements imposed by the Department of Labor & Industry and compiling a report on the impact of the pandemic on Madison County.

Ms. Crawford proceed to provide a report on the following highlights:

Outline

1. Disease & Timeline: Facts regarding how the disease is spread

Comparative Statistics: Per capita case data from the State, County, Health District and Country

VDH & Federal Guideline: Executive Orders; limiting size of assemblies; encouraging social distancing; wearing masks; get tested when needed; washing hands frequently; covering mouth when sneezing/coughing; avoid touching face; frequent disinfecting; limited travel (with USA and abroad); securing necessary supplies; launching efforts to have vaccine available; reopen plan for America; surging resources for hotspots, as needed; vaccines for essential workers/healthcare personnel/people 65 and older

2. Impact of Pandemic in Madison County

3. Madison County Actions

4. Funding

4. Recommendations Moving forward

6. Additional Information

Madison County Actions in Response to the COVID-19 Pandemic

Dates & Event:

March 23, 2020: Madison Circuit Court office and local schools closed based on governor orders for safety measure; scheduled press release meeting on COVID-19 coronavirus was cancelled.

March 26, 2020: Declaration of a state of emergency in Madison County was ratified; temporary ordinance by the Board of Supervisors for continuity of government in response to COVID-19.

March 28, 2020: FEMA Coronavirus (COVID-19) Pandemic Whole-of-Government response briefing points were issued.

March 30, 2020: Governor Northam issues a Stay-at-Home order.

April 10, 2020: Access to the VDH COVID-19 website was then made available for the deaf and hard of hearing; order to close the Circuit Clerk's Office until May 17, 2020; this was then adjusted to April 15, 2020; blueprint issued by Governor Northam eases the public health restrictions.

April 30, 2020: Rappahannock Rapidan Health Department issues a COVID-19 informational flyer

May 8, 2020: Phase one of easing pandemic restrictions begins.

May 14, 2020: Judge' orders to open Madison County Circuit Court.

May 27, 2020: First Governors' orders to mandate face coverings.

June 2, 2020: Movement into phase two of easing public health restrictions; Phase two business sector guidelines are forwarded.

June 6, 2020: Madison County EMS employees tested positive.

September 10, 2020: Madison County published its COVID-19 Emergency Action Plan.

November 13, 2020: Governor Northam made additional amendments to executive order 63 and 67 of the public health emergencies.

December 28, 2020: Moderna vaccines become available to Madison County

Funding Mechanisms/Resources: CARES Act

Recommendations Moving Forward: Recommended use of facial masks; social distancing; frequent handwashing and sanitation efforts; manage use of CARES Act funding; policies for Animal Control; mental health support; staff time off.

Acknowledgements to County personnel and citizens

Comments from the Board:

➤ *Supervisor Yowell: Questioned if the restrictions to limit the size of assemblies applies to local governments*

To which the County Administrator advised that local governments are exempt; the use of televised meetings greatly decreases the number of attendees to board meetings. In closing, he also advised that today's report was compiled with data from 2020.

Consent Agenda:

2. A. Minutes from the January 12, 2021 Meeting

Supervisor McGhee moved that the Consent Agenda be adopted as presented, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell.*

Constitutional Officers, County Departments, Committees & Organizations

3. Committee Appointments (Frye):

IDA Board: The Board was advised that one (1) application has been received from Michael D. Snider for consideration.

RRCBSB: No applications have been received for the vacancy on the Rappahannock Rapidan Community Services Board.

Building Code Appeals Board: Several members on this board will have terms expiring in March 2021; one member has advised that he no longer wishes to serve.

Supervisor Yowell moved to appoint Michael D. Snider to fill an unexpired term on the Industrial Development Authority (IDA) Authority Board (through April 11, 2022), seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

After discussion, it was the consensus of the Board to reach out to those members with upcoming term expirations to see if they'd be willing to continue serving, as opposed to advertising at this time.

SOEI: The Board members were reminded that Statement of Economic Interest forms are due by Friday, January 29, 2021.

Madison County Planning Commission: Mike Mosko, Commission Chairman, was present to report that the Commission is working on the broadband issue; also working to recommend that all special use permits have VDOT and health department approval before applications are brought before the Planning Commission for approval; the Planning Commission also plans to meet on February 3, 2021.

IT: Bruce Livingston, IT Director, was present and advised that data cables are scheduled to be installed at 410 N. Main Street tomorrow; GeoCom server is being put into place; expect renovations to be initiated at 414 N. Main Street by March 1, 2021; continuing to work on trouble tickets.

Facilities & Maintenance: Roger Berry, Director of Facilities, was present and advised that most of the demo work has been done at 410 N. Main Street; walls are all in place; data lines being run; flooring has been cut to accommodate the plumbing; all appears to be going very well.

Economic Development & Tourism: Tracey Gardner, Director of Tourism & Economic Development, was present and advised that there is a bill before the General Assembly that pertains to exemptions for localities with a population of less than 25,000.

- *Chairman Jackson: Suggested that the County create a name for the building known as 410 N. Main Street moving forward.*

Finance: Mary Jane Costello, Finance Director, was present and advised that the Finance Department has been busy preparing 1099's and W2's; receiving assistance from the Treasurer's office to post budget adjustments; bills are up to date at this time; concerns that the local post office isn't delivering the mail in a timely manner, thereby causing a delay with many bills being paid late. mail isn't being delivered in a timely manner, thereby causing a delay in some of the County's credit card bills; working on budgets for Finance and IT; RDA Systems has proposed an increase in their contract - will develop comparative numbers; credit has been issued from Tyler Technologies, Inc (\$36,000) related to the experience that occurred in 2014 - suggested the credit be used to cover costs for annual support for next year; advised that ANS has advised that the existing servers may not be adequate for configuration; reference was also made to the records management process and the kick-off meeting (in February) for Laserfiche; part-time staff has been working full-time.

Commonwealth Attorney: Clarissa Berry, Commonwealth Attorney (via online platform) advised that all is going well in her department; body cam equipment is working well; currently working on holding drug court; will need to ask for addition funding to help share a position with Orange County; advised that Neal Goodloe, OAR, plans to present a report at the upcoming budget meeting that pertains to jail costs, probation and violations.

Old Business

4. Discussion: Board Goals & Priorities for CY21 (Hobbs): The County Administrator provided a list of potential CY21 Madison County Goals & Priorities for discussion and consideration to include:

- Maintain the pandemic response effort
 - Promote broadband development in Madison County
 - Complete major projects
 - Complete a facilities inventory & needs assessment effort
 - Establish an ongoing capital improvement planning program to involve all county-funded departments/agencies
 - Increase human resources support and other assistance for supervisors
 - Encourage better coordinated and improved local programs that serve pre-K and childcare services by convening a task force
- *Supervisor Yowell: Offered to work with Supervisor Hoffman to identify who the stakeholders for the childcare component, and who should be involved (i.e. 4-5 individuals) to collaborate and discuss/identify associated resources.*

After discussion, Supervisor Hoffman suggested that Supervisor Foster be designated due to the fact that she has children enrolled in the local school system.

Broadband Taskforce: The County Administrator referred the recent suggestion that a taskforce be established to assess what may work in Madison County, and identify resource components.

- *Supervisor Yowell: Noted that the aforementioned concept was loosely identified at the last meeting; suggested that he will work with Supervisor McGhee, Commission member, Peter Work and Francoise Moisewitsch, and designate Tracey Gardner, Director of Economic Development & Tourism, as the liaison, to assess all suggestions being verbalized; noted that Mr. Work has drawn up an action plan.*

Mike Mosko, Commission Chair, was present and advised that the goal is to get assistance by way of grant writing, which he feels could be an issue.

The County Administrator advised that several department heads have been successful in grant writing thus far; noted that Patrick Mauney of the Rappahannock Regional Commission will also be of great assistance if needed.

5. Discussion: Contracts for Private Use of Workspace in the Visitor Center (Gardner): Tracey Gardner, Director of Economic & Tourism, presented two (2) draft contracts (a. Business Incubator/Short-term Nonprofit Service Provider Startup Agreement for 110 N. Main Street; b) Daily Office Space Use Agreement for 110 N. Main Street).

Sean Gregg, County Attorney, advised that a policy have a cap as to how long someone can be in place with the reasonable rent being charged; suggested that tenants not be allowed to rent for an extended period of time at the property, which will cause the County to be renting space well below market value.

After discussion, it was the consensus of the Board to establish that each rental agreement will not exceed twelve (12) months.

- *Chairman Jackson: Advised that it's felt that the month of February will bring forth a peak in COVID-19 cases; questioned if the Board would like to move forward with tonight's endeavor or postpone for a while.*

The County Administrator questioned who will sign the lease agreements, and how the County would prefer to handle month-to-month rentals (i.e. tenant to come before the Board or Ms. Gardner to report information to the Board).

After discussion, it was the consensus of the Board to allow Ms. Gardner to:

- Proceed with the collection of all documentation required for the rental agreement, to include month-to-month rentals
- Report the name(s) of all tenants to the Madison County Board of Supervisors
- County Administrator will be tasked with signing all rental agreements

The Finance Director advised how the County's insurance coverage will be affected with folks utilizing building space that aren't county staff.

To which the County Attorney advised that conversations have been held regarding the aforementioned concern; the lease contains verbalizations pertaining to this matter that states:

- *Madison County provides no property insurance for any of the User's property while in the site. User further understands and acknowledges that Madison County provides no liability insurance for any of the User's activities, on or off the site. User further understands and acknowledges that Madison County provides no worker's compensation insurance for Users. User should provide User's own insurance for their property and activities.*
- *User agrees to indemnify Madison County for injury or illness to any person in the Facility, for the loss of User or User's employee's personal property in the Facility, or damage done to equipment or property of Madison County or any individual in the Facility caused by User or their employees.*
- *User agrees to hold harmless Madison County from any claim, damage, liability, injury, expense or loss, including defense costs and attorney's fees, arising from activities under this agreement.*

Supervisor Yowell moved that the Board approve the two (2) rental agreements:

1. Business Incubator/Short-term Nonprofit Services Provider Startup Agreement for 110 N. Main Street
2. Daily Office Space Use Agreement for 110 N. Main Street

Seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

New Business

6. Discussion: Zoning & Subdivision Application Process Clarification (Hobbs): The County Administrator advised that there have been discussions regarding how zoning and subdivision actions that required board level approval should be processed; suggested that the Board consider moving forward with tasking the Planning Commission to work with staff to develop a resolution and clarify the procedures to be adhered to.

Comments from the Board focused on:

- The existing use of the application process
- All plans (zoning and subdivision requests) need VDOT and health department approval prior to being approved
- *Chairman Jackson: Advised that special use permits do not require VDOT and health department approval prior to being honored.*
- *Supervisor Yowell: Advised favor of tasking the Planning Commission with developing a recommendation on the topic as discussed.*

Mike Mosko, Commission Chair, was present and advised that (in his opinion) there are times when a special use permit might require some type of entertainment that may require VDOT approval; advised that the proposal from the Planning Commission would be to assess special use applications on a case by cases basis.

After discussion, it was the consensus of the Board of Supervisors to task the Madison County Planning Commission to assess criteria regarding rezoning, special use permit, subdivision and site plan applications and determine whether and VDOT or health department approval should be required.

The Board also referred the issue of reconciling the County's regulation of political signs at Sec. 12-1-2-11 of the Zoning Ordinance with § 15.2-109 of the Code of Virginia to the Planning Commission.

7. Discussion: Town of Madison Sidewalk Project (Hobbs): The County Administrator reminded the Board that the County had agreed to negotiate with the Town of Madison on its contribution to the Town's sidewalk project. It was suggested that \$32,979 from unused revitalization revolving loan funds could be used for this purpose. At this time, no formal request has been presented by the Town of Madison.

After discussion, it was the consensus of the Board of Supervisors to request that the County Administrator communicate with the Town of Madison on the sidewalk funding issue.

Information/Correspondence

CARES Act: The Finance Director advised that the Boys & Girls club has requested an extension on the \$125,000 funding request through the end of August 2021 (FY22), so as to extend the request out to help their internal finances.

- *Chairman Jackson: Verbalized concerns with the request to extend the funding; suggested that representatives from the Boys & Girls Club be asked to provide some clarity on their request at the upcoming budget work session scheduled for February 4, 2021.*

Public Comment

Chairman Jackson opened the floor for public comment. The following comment was received via the online platform:

- Kristin Farry (from the online platform): Recommended that the County consider: 1) pursuing improving healthcare in Madison; 2) support the new practitioner and perhaps bring in a doctor, and enhance healthcare for the citizens; 3) work on food security and enhancing local food suppliers so as to make the County more resilient during challenging times.

With no further comment(s) coming forth, the public comment opportunity was closed.

Closed Session

8. Closed Session

On motion of Supervisor Hoffman, seconded by Supervisor McGhee, the Board convened in a closed session pursuant to Virginia Code Sections:

- A. 2.2-3711(A)(1) for discussion on the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of the County Administrator;
- B. 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultants, pertaining to actual or probably litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, and
- C. 2.2-3711(A)(29) for the discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

Supervisor Hoffman moved that the Board reconvene in open session, seconded by Supervisor McGhee. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

Supervisor Hoffman moved to certify that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1), 2.2-3711(A)(7) and 2.2-3711(A)(29) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, seconded by Supervisor McGhee. **Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).**

No action was taken as a result of closed session

Adjourn:

With no further action being required, at about 8:00 p.m. on motion of Supervisor Hoffman, seconded by Supervisor Foster, the meeting was adjourned until 2:00 p.m. on Thursday, January 26, 2021 in the Board Auditorium for a FY22 budget work session. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors
Copies: Board of Supervisors, County Attorney & Constitutional Officers
Adopted on: February 9, 2021



Agenda
Board of Supervisors Meeting
Tuesday, January 26, 2021 at 6:00 PM
County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum / Adopt Agenda

Public Comment

Special Appearances

1. Presentation: COVID-19 in Madison County (Diane Crawford)

Consent Agenda

2. A. Minutes from the January 12, 2021 Meeting)

Constitutional Officers, County Departments, Committees & Organizations

3. Committee Appointments (Frye)

Old Business

4. Discussion: Board Goals & Priorities for CY21 (Hobbs)
5. Discussion: Contracts for Private Use of Workspace in the Visitor Center (Gardner)

New Business

6. Discussion: Zoning & Subdivision Application Process Clarification (Hobbs)
7. Discussion: Town of Madison Sidewalk Project (Hobbs)

Information/Correspondence

Public Comment

Closed Session

8. Legal & Personnel

Adjourn (until 2:00 p.m. on Thursday, January 26, 2021 in the Board Auditorium for a FY22 Budget Work session)